

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

***** 168.165 SUBSECTION (2) ONLY APPLIES UNTIL DECEMBER 31, 1994 *****

168.165 Candidates for nomination; death; selection of new candidate; ballots; extension of filing deadline; requirements; applicability of subsection (2).

Sec. 165. (1) Except as otherwise provided in subsection (2), if a candidate of a political party for the office of state senator or state representative, as applicable, after having qualified as a candidate, dies after the last day for qualifying as a candidate, leaving the political party without a candidate for the office of state senator or state representative, a candidate to fill the vacancy caused by the death may be selected by 3 delegates elected by a majority of the precinct delegates and nominees for state representative and state senator of the candidate's political party from within the senatorial or representative district. However, if the senatorial or representative district comprises more than 1 county, the meeting shall be called and conducted by the chairperson of the state central committee or his or her authorized representative. The name of the candidate selected pursuant to this subsection shall be transmitted to the county officials required by law to print and distribute ballots. The county officials shall print the name of the candidate selected pursuant to this section on the ballot in place of the deceased candidate, or if the ballots are already printed, cause to be printed a sufficient number of gummed labels or stickers bearing the name of the selected candidate. The county officials shall distribute the gummed labels or stickers, if any, to the various voting precincts within their respective county. The board of election inspectors or authorized representatives of the city or township election commission of each precinct shall cause 1 of the gummed labels or stickers to be placed on each ballot, over the name of the candidate who has died, before the ballot is handed to the elector.

(2) If an incumbent state senator or state representative who has filed as a candidate for the same office in a district comprising all or a part of the district that the incumbent represents dies on the last day to file as a candidate under section 163 or within 14 days after the last day to file as a candidate, the filing deadline shall be extended and all of the following requirements apply:

(a) Not later than 1 business day after the effective date of this subsection or not later than 1 business day after the date of the death of the incumbent candidate, whichever is later, the secretary of the senate or the clerk of the house, as applicable, shall notify the secretary of state of the death of the incumbent candidate. If candidates for the vacant office are required to file with the county clerk, the secretary of state shall immediately notify the county clerk of the death of the incumbent candidate.

(b) Upon receipt of the notification under subdivision (a), the appropriate filing official shall remove the deceased incumbent's name from the list of candidates for that office. The filing official shall accept additional filings for that office up to 4 p.m. of the next business day immediately after the day that the filing official received the notification under subdivision (a).

(c) Notwithstanding any other provision of this act to the contrary, the following apply to candidates who file for an office pursuant to this subsection:

(i) A candidate who files for an office pursuant to this subsection shall not be permitted to withdraw.

(ii) A candidate who files for an office pursuant to this subsection and who had previously filed as a candidate for another office of state senator or state representative, which offices are to be filled at the same election, is considered to have automatically withdrawn the previous filing.

(3) Subsection (2) only applies until December 31, 1994.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1966, Act 322, Imd. Eff. July 19, 1966;—Am. 1994, Act 152, Imd. Eff. June 9, 1994.

Popular name: Election Code